

S/N 10/629,413

Response to Office Action Dated 07/06/2004

REMARKS

This Response is submitted in response to the Office Action of 07/06/2004.

Claims 1—14 were originally filed.

5 Claims 1—7 and 10—14 were allowed.

Claims 8 and 9 were rejected. Claim 8 are canceled without prejudice of the Applicant's right to file the same or similar claims in the future. The Applicant respectfully traverses the rejection of claim 9.

No claims are amended.

10 No claims are newly added.

Accordingly, claims 1—7 and 9—14 are pending.

In view of the following remarks, Applicant respectfully requests reconsideration of claim 9.

35 U.S.C. §102

15 According to the MPEP §2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim.

Anticipation is a legal term of art. The applicant notes that in order to
20 provide a valid finding of anticipation, several conditions must be met: (i) the reference must include every element of the claim within the four corners of the reference (see MPEP §2121); (ii) the elements must be set forth as they are recited in the claim (see MPEP §2131); (iii) the teachings of the reference cannot be modified (see MPEP §706.02, stating that "No question of
25 obviousness is present" in conjunction with anticipation); and (iv) the reference

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must enable the invention as recited in the claim (see MPEP §2121.01). Additionally, (v) these conditions must be simultaneously satisfied.

The §102 rejection of claim 9 is believed to be in error. Specifically, the PTO and Federal Circuit provide that §102 anticipation
5 requires that each and every element of the claimed invention be disclosed in a single prior art reference. *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990). The corollary of this rule is that the absence from a cited §102 reference of any claimed element negates the anticipation. *Kloster Speedsteel AB, et al. v. Crucible, Inc., et al.*,
10 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986).

Applicant notes the requirements of MPEP §2131, which states that "to anticipate a claim, the reference must teach every element of the claim." This MPEP section further states that "'A claim is anticipated
15 only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed.
20 Cir. 1989). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)."

Claim 8 was rejected under §102 as being anticipated by U.S. patent US
25 patent 6,641,314, herein after "Mogi". In view of the rejection, the Applicant has cancelled claim 8.

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Claim 9 was rejected under §102 as being anticipated by U.S. patent US patent 6,585,366, herein after "Nagata". The Applicant respectfully traverses the rejection.

The Applicant discloses integrated printing and laminating devices. For example, Fig. 1 of the Applicant's disclosure illustrates a printer 1 and a laminator 2 forming a system which advantageously performs both printing and laminating functionality. Accordingly, media may be firstly printed and secondly laminated without the human intervention and assistance required by conventional systems.

10 In one example of operation of the structure recited by claim 9, media travels in said first advance direction A (see Fig. 1) wherein one or several plots are printed on the media while moving by printhead 10 in the printing device 1. The media is then sent to the laminator device 2, wherein the media is pulled by motorized roller 22, causing it to wrap about motorized roller 22.

15 The direction of media travel is then reversed, causing media to unwrap off the roller 22. The printed media is then laminated in the laminating device 2 while the media advances in direction B (see Fig. 1) and is thus drawn back into the printing device. Accordingly, claim 9 recites a structure which supports bi-directional movement of media, wherein printing takes place in a first direction

20 (direction "A") and lamination takes place in a second direction (direction "B").

Note that motorized media support rollers provide the Applicant's claimed device with functionality not seen in the prior art. In particular, motorized media support rollers allow media to be moved *onto* the media support roller.

25 In contrast, non-motorized media support rollers are only configured to allow media to be moved *off of* the media support roller. Thus,

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by disclosing and reciting in claim 9 a *motorized* media support roller, the Applicant gains the functional advantage of being able to move media both *onto* and *off of* a media support roller. Such functionality supports the Applicant's use of *bi-directional* media movement, not seen in the prior art.

5 In contrast, Nagata discloses a mono-directional print and lamination system. Referring to Fig. 1 of Nagata, media 5 is pulled off an un-numbered roller on the right, moves to the left under printhead 4, where it is printed. Rollers 6 in the calendaring section 2 pull the media. A laminating section 3 applies film which is applied by rollers 8. The printed and laminated media is
10 exhausted at 10, moving to the left.

 In particular, the media roller (un-numbered, but near number 5 as shown by the Examiner's label) is not motorized. Nothing in Nagata would even suggest motorizing the media roller, since media is flexible and can't be pushed. That is, the media must be *pulled* off the roller; motorizing the motor
15 would be ineffective, since media cannot be pushed.

 (Note that roller 9 in Nagata may be motorized, but does not carry media. Instead, roller 9 carries the substrate (e.g. "backing paper") of the laminating film (see Nagata, col. 6, lines 5—20). Additionally, roller 9 does not provide for bi-directional media movement, which results from the recited
20 structure of claim 9.)

Therefore, Nagata does not disclose "a motorised media supporting roller", as recited in claim 9. Instead, Nagata discloses a non-motorized media support roller. We know that Nagata's media support roller is non-motorized because (1) Nagata does not disclose a motor on the media support roller, and
25 (2) because a motor on the media support roller would be ineffective at pushing

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flexible media off the roller, and (3) Nagata does not disclose re-winding the media back on to the roller.

Note that the motorized media supporting roller recited in claim 9 is a structural difference with Nagata that provides a functional advantage, i.e. bi-direction media movement, which is not seen in Nagata.

Therefore, the Nagata reference does not disclose the elements recited in claim 9. Accordingly, the Applicant respectfully requests that the section 102 rejection be removed.

10 Conclusion

In summary, claim 9 recites a "motorised media support roller". Such a roller is useful in re-winding media back onto the roller. Such a motorized roller is not disclosed by Nagata, who does not disclose bi-directional movement of media in general, and does not disclose using a motor to rewind media back onto a roller in particular. Accordingly, the Applicant respectfully requests that the section 102 rejection of claim 9 be removed.

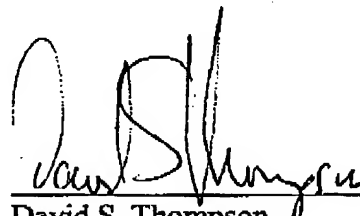
The Applicant submits that all of the claims are in condition for allowance and respectfully requests that a Notice of Allowability be issued. If the Office's next anticipated action is not the issuance of a Notice of Allowability, the Applicant respectfully requests that the undersigned attorney be contacted for the purpose of scheduling an interview.

Respectfully Submitted,

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